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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,902	02/17/2004	Robert L. Estes	ESTES-A-CIP	9633

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EXAMINER
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CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/779,902

**Applicant(s)**

ESTES, ROBERT L.

**Examiner**

PAUL T. CHIN

**Art Unit**

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's amendment filed January 9, 2006, and the arguments with respect to claims 1-10 and 11-22 have been considered and they are persuasive in light of the amended claims. Therefore, the claim rejections have been withdrawn. However, upon further consideration, the arguments are moot in view of a new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

#### ***Claim Objections***

2. Claims 8,9,14, and 17 are objected to because of the following informalities: it appears that in claims 8 and 9, line 1, the word -- attachment -- should be inserted before "apparatus", in claim 10, line 3, the word -- an -- should be inserted before "upright section, in claim 14, line 3, the word "with" should be changed to -- wherein", the word -- is -- should be inserted before "connected", and the word -- front -- should be inserted before "upright section", and in claim 17, line 2, the word "rail" should be changed to -- side member --. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,2,8,10,12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Freedman et al. (6,398,302).

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Freedman et al. (6,398,302) discloses an attachment apparatus comprising a guide member having at least two side members or guide rails (6,6) (Fig. 3), said guide rails each having a slotted track, said slotted track having a height adjustment slot (see Fig. 3) having a slot length and at least two arm slots (see Fig. 3) connected to and extending outwardly a predetermined distance from the height adjustment slot; and a connector member (4) *operatively* connected to and movable in the slotted track of each slot said guide rails and wherein each arm slot is connected to the height adjustment slot so that the connector member is movable between the height adjustment and each arm slot wherein each arm slot terminates at an end portion within the guide rail. Note that the connector member (4) is capable of being engaged by restraint harness (10), which can be considered as a hook or an attachment element of a transport vehicle so that the attachment apparatus can be moved. . It is pointed out that a functional limitation is defined as "an attempt to define something by what it does or by a property or characteristic it has, rather than by what it is (e.g., as evidenced by its specific structure or specific ingredients".

Re claims 2 and 12, the guide rails (6,6) are parallel.

Re claim 8, the guide rails (6,6) are being attached to a wall of a child seat, which is a container for a child.

Re claim 15, Freedman et al.'s attachment apparatus (6,398,302) further teaches a back plate (9B) (Fig. 3).

5. Claims 1,2,8,10, 12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gohman (6,125,720).

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Gohman (6,125,720) discloses an attachment apparatus (Fig. 11) comprising a guide member having at least two side members (66,68) or guide rails, said guide rails each having a slotted track, said slotted track having a height adjustment slot (see Fig. 3) having a slot length and at least two arm slots (see Fig. 3) connected to and extending outwardly a predetermined distance from the height adjustment slot; and a connector member (112) *operatively* connected to and movable in the slotted track of each slot said guide rails and wherein each arm slot is connected to the height adjustment slot so that the connector member is movable between the height adjustment and each arm slot wherein each arm slot terminates at an end portion within the guide rail. Note that the connector member (112) with the handle (20) is capable of being engaged by a pivot pin and a spring (114), which can be considered as a hook, so that the attachment apparatus can be moved. It is pointed out that a functional limitation is defined as "an attempt to define something by what it does or by a property or characteristic it has, rather than by what it is (e.g., as evidenced by its specific structure or specific ingredients".

Re claims 2 and 12, the guide rails (66,68) are parallel (Fig. 11).

Re claim 8, the guide rails are being attached to a wall of a container (130). Note that applicant does not specifically define the front or rear walls.

Re claim 10, Gohman (6,125,720), as broadly are recited, further shows a container body having a base (128) (Fig. 6), a wall (130) (Fig. 7), which can be considered as a front upright section attached to the base. Note that applicant does not specifically define the detailed structural limitations of the container body. Therefore, Gohman (6,125,720) meets claim 10.

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Re claim 15, Gohman (6,125,720) further teaches a back plate (64) (Fig. 11). Applicant recites a functional limitation, "said connector member being capable of receiving at attachment of a transport vehicle". Note that the connecting member (112) which is being connected to a handle (20) and the roof-removing tool of Gohman (6,125,720) is capable of being suspended or lifted by a sling or a vehicle.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-7, 9, 13, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman et al. (6,398,302).

Freedman et al. (6,398,302), as presented in section 4 above, does not show the structural dimension of the elements such as the thickness of each rail and the distance between each slot. Accordingly, it would have been obvious to those skilled in the art to optimize the thickness of each rail as 0.25 or 0.3 inch on the Freedman et al.'s attachment apparatus (6,398,302) to provide as a safe apparatus. Moreover, it would have been obvious to those skilled in the art to optimize the length of the arm slot is at least 2 inches or the distance between the rails is about 4 inches, which are substantially applicable dimensions, on the Freedman et al.'s attachment apparatus (6,398,302) to conveniently adjust the connector (4) within the slots.

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Re claims 6,7, and 9, the parallel guide rails (6,6) are being attached a back plate (9B) (fig. 3) and the guide member is being connected a wall of a child seat, which is a container for a child.

Re claim 7, figs. 1-3 show the slotted track having a comb configuration.

Re claims 14 and 16, the side members or the guide rails (6,6) are parallel.

8. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman et al. (6,398,302) in view of Burleigh et al. (4,790,601).

Freedman et al. (6,398,302), as presented in section 4 above, does not show the angle between the back plate and each side member is about 60 to about 120 degree.

However, Burleigh et al. (4,790,601) teaches two side members (64,66) (Fig. 7) each side member being angle to a wall (16) about 60 degree. Accordingly, it would have been obvious to those skilled in the art to modify the positioning of the side members (6,6) of Freedman et al. (6,398,302) to be an angle about 60 degree as taught by Burleigh et al. (4,790,601) to provide safety by restraining the height adjustment of the connector within the provided slotted track. Note that applicant does not specifically define as to how the back plate is angle with each side member about 60 degree.

Re claims 6,7, and 9, the parallel guide rails (6,6) are being attached a back plate (9B) (fig. 3) and the guide member is being connected a wall of a child seat, which is a container for a child.

Re claim 19, figs. 1-3 show the slotted track having a comb configuration.

Re claim 20, the back plate (5) is being connected to a container having a front wall (1) and a base (2).

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9. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman et al. (6,398,302) in view of Miller (4,813,739).

Freedman et al. (6,398,302), as presented in section 4 above, does not show the connector member having end elements to prevent removable of the connector member from the slotted track. However, Miller (4,813,739) teaches a connector rod (22) movable within the slotted track (38) and the rod further having an end element (26) (Fig. 2). Accordingly, it would have been obvious to those skilled in the art to provide an end element on the ends of the connector member (4) of Freedman et al. (6,398,302) as taught by Miller (4,813,739) to prevent removable of the connector member from the slotted track.

10. Claims 3,4,13,14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gohman (6,125,720).

Gohman (6,125,720), as presented in section 5 above, does not show the structural dimension of the elements such as the thickness of each rail and the distance between each slot. Accordingly, it would have been obvious to those skilled in the art to optimize the thickness of each rail as 0.25 or 0.3 inch on the Gohman's attachment apparatus to provide as a stronger and reliable apparatus. Moreover, it would have been obvious to those skilled in the art to optimize the length of the arm slot is at least 2 inches, which is substantially applicable dimension, on the Gohman's attachment apparatus to conveniently adjust the connector (112) within the slots.

Re claims 14 and 16, the side members or the guide rails (66,68) are parallel. Fig. 11 shows a back plate (64).

#### **Response to Arguments**



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11. Applicant's arguments with respect to claims 1-10 and 12-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kreciglowa (2,812,013) shows a guide rail having an elongated slot with four arm slots and a connector to move within the slots.

13. Applicant's amendment (the addition of new structural limitations in claims 1, 10, and 15 in combination with other structural limitations) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **PAUL T. CHIN** whose telephone number is (571) 272-6922. The examiner can normally be reached on **MON-THURS (7:30 -6:00 PM)**.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PTC

 4/17/05  
**DEAN J. KRAMER**  
**PRIMARY EXAMINER**